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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

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KIMBERLEE WILLIAMS, ET AL.,

Plaintiffs,

v.

BASF CATALYSTS LLC, ET AL.,

Defendants.

Civil Action No. 2:11-cv-01754- JLL-JAD

**DEFENDANT ARTHUR A.
DORNBUSCH II'S NOTICE OF
MOTION TO DISMISS THE SECOND
AMENDED CLASS ACTION
COMPLAINT WITH PREJUDICE FOR
FAILURE TO STATE A CLAIM UPON
WHICH RELIEF CAN BE GRANTED
AND FOR FAILURE TO PLEAD
FRAUD WITH PARTICULARITY**

ORAL ARGUMENT REQUESTED

Document Electronically Filed
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TO: Christopher M. Placitella, Esq.
Michael Coren, Esq.
Cohen, Placitella & Roth, P.C.
127 Maple Avenue
Red Bank, NJ 07701

PLEASE TAKE NOTICE that on a date to be set by the Court, Defendant Arthur A. Dornbusch II ("Dornbusch"), through his attorneys, Marino, Tortorella & Boyle, P.C. (Kevin H. Marino, Esq., appearing), will move before the Honorable Jose L. Linares, U.S.D.J., United States District Court for the District of New Jersey, Martin Luther King, Jr. Federal Building &

Courthouse, 50 Walnut Street, Newark, New Jersey 07102, for entry of an Order, pursuant to Federal Rules of Civil Procedure 12(b)(6) and 9(b), dismissing Plaintiffs' Second Amended Class Action Complaint with prejudice as to Dornbusch for failure to state a claim upon which relief can be granted and for failure to plead fraud with particularity.

PLEASE TAKE FURTHER NOTICE that in support of this motion, Dornbusch will rely on the Memorandum of Law submitted herewith. A proposed form of Order is also submitted herewith.

PLEASE TAKE FURTHER NOTICE that Dornbusch respectfully requests oral argument on this motion.

Dated: September 25, 2015
Chatham, New Jersey

MARINO, TORTORELLA & BOYLE, P.C.
Attorneys for Defendant Arthur A. Dornbusch II

BY: /s/ Kevin H. Marino
KEVIN H. MARINO